

NOT PRECEDENTIAL

UNITED STATES COURT OF APPEALS  
FOR THE THIRD CIRCUIT

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No. 10-2479

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ANDREW POLICASTRO,  
Appellant

v.

TENAFLY BOARD OF EDUCATION,  
Individually and in their official capacity as the Tenaflly Board of Education;  
EUGENE WESTLAKE, INTERIM SUPERINTENDENT,  
individually and in his official capacity as Superintendent of Schools,  
Tenaflly Public Schools; THEODORA P. KONTOGIANNIS, Principal,  
individually and in her official capacity as Tenaflly High School Principal

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Appeal from the United States District Court  
for the District of New Jersey  
(D.C. Civil No. 2-09-cv-01794)  
District Judge: Honorable Dickinson R. Debevoise

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Submitted Under Third Circuit LAR 34.1(a)  
July 11, 2011

Before: RENDELL, SMITH and FISHER, Circuit Judges.

(Filed: July 20, 2011 )

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OPINION OF THE COURT

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RENDELL, Circuit Judge.

Andrew Policastro appeals from the District Court’s grant of a motion for summary judgment in favor of the Tenaflly Board of Education (“Board”), Dr. Eugene Westlake, and Dr. Theodora Kontogiannis on the claim that his First Amendment rights were violated by the Board’s policy governing the use of teacher’s mailboxes. We review a grant of summary judgment de novo and apply the same standard as the District Court. *Stratechuk v. Bd. of Educ., South Orange-Maplewood Sch. Dist.*, 587 F.3d 597, 603 (3d Cir. 2009)(citations omitted). We will affirm the District Court’s summary judgment order.

Policastro challenged the Board’s mailbox policy as unconstitutional in a previous case, and the District Court concluded that the policy was not unconstitutionally overbroad and that his “as applied” challenge was moot. In an attempt to revisit the District Court’s conclusion that his “as applied” challenge was moot – a conclusion which was affirmed by this Court – Policastro deliberately violated the mailbox policy for a second time. Following an official letter of reprimand from the Board, Policastro commenced the underlying suit. After discovery, both parties filed motions for summary judgment and the District Court ruled in favor of the Appellees, reasoning that the mailbox policy is a content-neutral limitation which is “valid provided that [it is] justified without reference to the content of the regulated speech, that [it is] narrowly tailored to serve a significant governmental interest, and that [it] leave[s] open ample alternative channels for communication of the information.” *Policastro v. Tenaflly Bd. of Educ.*, 710 F.Supp.2d 495, 509 (D.N.J. 2010)(quoting *Clark v. Cmty. for Creative Non-Violence*, 468

U.S. 288, 293 (1984)). In a clear and carefully reasoned opinion, the District Court correctly applied this standard in concluding that the policy did not violate Policastro's rights. We can add nothing to the District Court's analysis.

Accordingly, we will affirm the District Court's grant of the Appellees' motion for summary judgment.